

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

CASE NO. 3:11-bk-06563-JAF

MATTHEW J. LABARBERA and
JOELY D. LABARBERA,

Debtors.

MATTHEW J. LABARBERA and
JOELY D. LABARBERA,

Adversary Proceeding No:
3:11-ap-00817-JAF

Plaintiffs,

vs.

SUNTRUST BANK,

Defendants.

JUDGMENT DETERMINING SECURED STATUS
OF SUNTRUST BANK
AND STRIPPING LIEN
EFFECTIVE UPON DISCHARGE

This case is before the Court on the Debtors' Complaint to Strip Lien and for Declaratory Judgment. Upon the agreement of the parties. It is

ORDERED:

1. Judgment is entered in favor of Debtors, MATTHEW J. LABARBERA and JOELY D. LABARBERA,.
2. Claim No. 6-1 of SUNTRUST BANK, shall be treated as unsecured claim in the Chapter 13 case in the amount of \$81,025.27.

3. Claim No. 7-1 of SUNTRUST BANK, shall be treated as unsecured claim in the Chapter 13 case in the amount of \$17,769.18.
4. Any Judgment entered herein be limited as set forth in section 1325(a).
5. In the event of dismissal of this Chapter 13 case or conversion of this case to a case under Chapter 7, this Judgment shall be deemed vacated and without further force and effect.
6. This Judgment does not come into force and effect until the Debtors have completed the Chapter 13 case and receives their discharge.
7. Defendant for the purposes of this Chapter 13 case will be treated as an unsecured creditor under the terms of the Plan.
8. The legal description of the property being affected by this action is:

LEGAL DESCRIPTION - EXHIBIT "A"

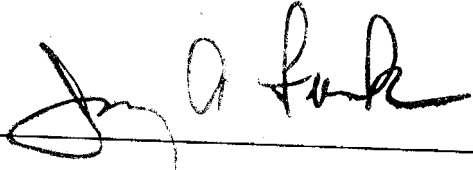
PALM COAST SECTION 28, Block 60, Lot 48, Official Records Book 177, page 612, Official Records Book 336, page 711, Official Records Book 365, page 727, Official Records Book 396, page 872, Official Records Book 650, page 496, Official Records Book 840, page 1585, Official Records Book 895, page 1036, of Flagler County, Florida.

8. The mortgage held by SUNTRUST BANK, recorded at Official Records Book 1473, Page 996, Official Records Book of Flagler County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtors' discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of SUNTRUST BANK's lien prior to the entry of the Debtors' discharge.

9. The mortgage held by SUNTRUST BANK, recorded at Official Records Book 1352, Page 1422, Official Records Book of Flagler County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtors' discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of SUNTRUST BANK's lien prior to the entry of the Debtors' discharge.

10. The Judgment is not a final and does not take effect until it becomes final. No person, firm, or entity may rely upon this Judgment as a determination of a lien avoidance or lien stripping without first verifying that the Debtor has completed the Chapter 13 case and has received a Discharge under section 1328(a) upon said completion.

DONE and ORDERED at Jacksonville, Florida, this 9 day of November, 2011.



Jerry A. Funk
United States Bankruptcy Judge

Copies furnished to:

Timothy M. Goan
Douglas W. Neway
U.S. Trustee
SunTrust Bank

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54 . NO. 7432